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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/512,968    02/24/00    HEMBREE

D    MI22-869

EXAMINER

021567  
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MMC2/1026

ART UNIT

PAPER NUMBER

2858  
DATE MAILED:

10/26/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/512,968

Applicant(s)

HEMBREE, DAVID R.

Examiner

VINH P NGUYEN

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13, 18-26 and 57-62 is/are pending in the application.
- 4a) Of the above claim(s) 3, 13, 21, 25, 57-59 and 61 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 20, 24, 26 and 222 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12 and 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

1. In the interview with Mr. Shaurette on Oct. 22, 2001, Mr. Shaurette confirmed the election of species of figure 3 and indicated that at least claim 1 is generic since the term "wafer holder" is referred to workpiece holder (12) as shown in figures 2 and 3.
2. It appears that "contact plate (90)" as recited in claims 3, 13, 21, 25, 58-59 and 61 does not have support by figures 2-3; In claim 61, it appears that the workpiece holder of this claim includes a vacuum chamber and this limitation is limited to the species of figure 2 because the workpiece holder (12) of figure 3 does not have vacuum chamber. It appears that claims 3, 13, 21, 25 and 57-59 are not read on elected species of figure # 3, therefore these claims are withdrawn from consideration.
3. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7-9, it appears that the wafer chuck is not a part of the wafer holder since Applicants defined a wafer holder as "a workpiece holder (12)" as shown in figure 3 does not have a wafer chuck (40) therefore they are improperly claimed.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2858

5. Claims 1,18 and 62 (insofar as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayama et al (Pat # 5,378,311).

As to claims 1,18 and 62, Nagayama et al disclose an apparatus having a wafer holder (51) for receiving a wafer (54). It is noted that the holder includes electrical couplings (57-63) for coupling to the wafer. It appears that the wafer inherently has electrical coupling in which the electrical couplings of the holder connected thereto.

6. Claims 1-2,4-7,12,18 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (5,475,317).

As to claims 1,4-7,12,18 and 62, Smith discloses a singulated bare die tester having a workpiece holder or a chuck (4,12) for receiving an electronic workpiece (2) and for supporting an electronic device (2), an electrical coupling (12a) for electrically coupling the electrical coupling (2a) of the electronic device workpiece (2) and communicated signals between the workpiece and the workpiece holder (12). As to claim 2, Smith discloses a burn-in board configured to receive signal. It would have been well-known that this board is equivalent to the data gathering device since it serve the same purpose as the one in the instant application.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (pat # 5,475,317).

Smith discloses a singulated bare die tester as mentioned in paragraph 4. As to claims 10-11, it would have been well known for one of ordinary skill in the art to provide a vacuum chamber in the chuck so that the vacuum holds down the wafer under test.


9. Claims 19-20,22-24,26,60 are allowable since the prior art does not disclose an electronic device workpiece processing apparatus having an electronic workpiece including a sensor and an electrical coupling configured to provide electrical connection of the sensor with the electrical coupling of the second surface of the intermediate member.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagasaki et al (Pat # 5,886,863) disclose wafer support member.

- 11 Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2858  
10/25/2001